

## REMARKS

### **A. INTRODUCTION**

Claims 1, 2, 10-12, 14, 15, 32-36 and 41-68 are pending;

Claims 1, 2, 10-12, 14, 15, 32-36 and 41-68 are rejected; and

Claims 1, 10, 14, 32 and 41-43 are the only independent claims.

Applicants acknowledge that our prior arguments with respect to claims 1, 2, 10-21, 14, 15, 32-36 and 41-68 were considered but are now moot in view of the new grounds of rejection, which are addressed below.

### **B. THE DOUBLE PATENTING REJECTIONS**

Claims 1, 2, 10-12, 14, 15, 32-36, 41, 42, 44-51, 53-58 and 60-67 stand rejected on the grounds of nonstatutory double patenting as being unpatentable over claims 1, 2, 6, 8, 11, 15 and 19-24 of U.S. Patent No. 6,209,028 in view of Field et al., U.S. Patent No. 4,410,911.

In addition, claims 43, 52, 59 and 68 stand rejected on the grounds of nonstatutory double patenting as being unpatentable over claims 1, 2 and 11 of U.S. Patent No. 6,209,028 in view of Field et al., U.S. Patent No. 4,410,911, and further in view of Kurtz (The NY Times, April 14, 1991, Section 3, page 8: "Technology: A Way to Hear Stock Quotes While Watching Cartoons").

Applicants do not necessarily agree with these double patenting rejections, but enclosed herewith is a Terminal Disclaimer with regard to U.S. Patent No. 6,209,028 to expedite the prosecution of the present application. We respectfully contend that the enclosed Terminal Disclaimer overcomes all of the nonstatutory double patenting rejections, and thus submit that the present application is now in form for allowance. Accordingly, Applicants respectfully request withdrawal of all of the double-patenting rejections and the allowance of the present application.

### **C. ADDITIONAL COMMENTS**

Our silence with respect to the Examiner's other various assertions not explicitly addressed in this paper, including assertions of what the cited reference(s) teach or suggest, assertions of what was known in the art concerning communications over an Internet network, the Examiner's interpretation of claimed subject matter or the Specification, or the propriety of any asserted

combination(s) of teachings, is not to be understood as agreement with the Examiner. As the Examiner has not established an unrebuttable prima facie case for rejecting any of the pending claims, for at least the reasons stated in this paper, we need not address all of the Examiner's assertions at this time. Also, the absence of arguments for patentability other than those presented in this paper should not be construed as either a disclaimer of such arguments or as an indication that such arguments are not believed to be meritorious.

#### D. AUTHORIZATION TO CHARGE APPROPRIATE FEES

Applicants do not believe that any fees are due, as this Response is being filed within three months of the January 25, 2008 mail date of the Non-final Office Action, and thus is believed to be timely. However, should any fees be due, please charge any appropriate fees necessary for this paper and for any accompanying papers to our Deposit Account No. 50-0271; Order No.: 96-067-C1. In addition, please credit any overpayment to the same account.

#### E. CONCLUSION

It is submitted that all of the rejections are now moot in view of the attached Terminal Disclaimer, and therefore that all of the claims are in condition for allowance. Accordingly, the Examiner's early consideration is respectfully requested.

If the Examiner has any questions regarding this paper or the present application, the Examiner is cordially requested to contact Stephan Filipek at telephone number (203) 461-7252 or via electronic mail at [sfilipek@walkerdigital.com](mailto:sfilipek@walkerdigital.com).

Respectfully submitted,

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